

04-13-04

3627



PATENT
Docket No. 24180-044007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of: Galloway et al.)
)
)
Appln. No.: 08/899,410 ✓)
)
Filed: July 23, 1997)
)
For: Multilayer Thermoplastic Films)
and Packages Made Therefrom)
)
Examiner: R. Dye)
)
Art Unit: 3627)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

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APR 20 2004
GROUP 3600

Dear Sir:

In accordance with 37 CFR §§ 1.56, 1.97 and 1.98, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. A copy of each reference cited is enclosed herein.

This Information Disclosure Statement is being submitted after the mailing date of a first Office Action on the merits. Therefore, Applicants have also submitted the appropriate fee under C.F.R. § 1.17 in order for the cited references to be considered.

The enclosed references were generated as the result of a Patent Interference (No. 105,092) between Cryovac, Inc. (Applications 09/583,654 and 08/996,367) and Pechiney Emballage Flexible

04/14/2004 EFLORES 00000061 130206 08899410
01 FC:1806 180.00 DA

CHI99 4260928-1.024180.0044

In re Appln. of Galloway, et al.
Appln. No. 08/899,410

Europe (Patent 6,437,064). U.S. Patent 6,437,064 claims priority from U.S. Serial No. 08/481,617, filed June 7, 1995 which is a continuation of U.S. Serial No. 08/082,226, filed June 24, 1993.

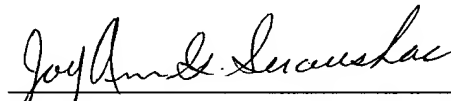
The references listed on the attached PTO Form-1449 do not represent all of the references generated by the Interferences proceedings, but only those references which have not already been cited to the Office.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosure of any reference or other art, including the disclosures of those references and other information discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

The citation of the above documents and other information is not to be construed as an assertion that more pertinent art could not possibly be in existence.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the enclosed Form PTO-1449 with initials or other appropriate remarks.

Respectfully submitted,



Joy Ann G. Serauskas, Reg. No. 27,952
Agent for Applicant(s)

Date: April 6, 2004

McDERMOTT, WILL & EMERY
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(Rev. 5/92) Comparable to Form PTO-1449

OFFICE OF THE COMMISSIONER OF PATENT & TRADEMARKS
APR 12 2004

SUPPLEMENTAL
INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Atty. Docket No. 24180-044007 App. No. 08/899,410

Applicants: Galloway et al.

Filing Date: July 23, 1997 Group: 3627

U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	AA	3,090,998	5/28/1963	Heisterkamp et al	18-57		
	AB	3,645,992	2/29/1972	Elston	260-80.78		
	AC	4,469,753	9/4/1984	Yoshimura et al.	428/475.8		
	AD	4,557,780	12/10/1985	Newsome et al.	156/244.11		
	AE	4,615,922	10/7/1986	Newsome et al.	428/35		
	AF	4,777,095	10/11/1988	Kondo et al.	428/476.1		
	AG	4,863,768	9/5/1989	Ishio et al.	428/34.9		
	AH	5,298,326	3/29/1994	Norpoth et al.	428/349		

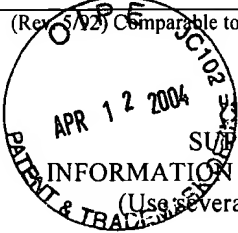
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APR 20 2004
GROUP 3600

FOREIGN PATENT DOCUMENTS

							Translation	
		Document Number	Date	Country	Class	Subclass	Yes	No
	AJ	JP 58-102762		Japan			Abstract	
	AK	EP 0 416815	March 1991	Europe				x

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	AL	"Exact Polymers For Targeted Performance in Film Packaging," distributed at PACK Expo, Chicago, November 8-12, 1992.
	AM	"CGC Polyolefins Are For Applications With Many Major Packaging Markets, Says Dow," TECHPAK, October 5, 1992.
	AN	"New Polyolefin Resins Emerge: 'Branched Linear' Copolymers," Modern Plastics Int'l., November 1992, pp. 16-18.
	AO	Panagopoulos, Jr., G. et al., "New Generations High Performance LLDPE Blown Film Resins Superior Physical Properties and Processability," Dow Plastics, pp. 266-278.
Examiner		Date Considered:
*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

(Rev. 5/92) Comparable to Form PTO-1449  SUPPLEMENTAL INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	Atty. Docket No. 24180-044007	App. No. 08/899,410
	Applicants: Galloway et al.	
	Filing Date: July 23, 1997	Group: 3627

U.S. PATENT DOCUMENTS

*Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate

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GROUP 3627

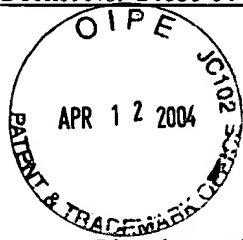
FOREIGN PATENT DOCUMENTS

							Translation	
	Document Number	Date	Country	Class	Subclass		Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AP	Speed, C.S. et al., "Structure/Property Relationships in Exxpol™ Polymers," Society of Plastics Engineers, Polyolefins VII Int'l Conference, February 24-27, 1991, pp. 45-66.
	AQ	Van der Sanden, D., "A New Family of Linear Ethylene Polymers with Enhanced Sealing Performance," Proceedings of the 1991 Polymers, Laminations & Coatings Conference, September 3-6, 1991, pp. 289-297.
	AR	Van der Sanden, D. et al., "A New Family Of Linear Ethylene Polymers With Enhanced Sealing Performance Designed For Multilayer Barrier Food Packaging Films," Proceedings of the 1992 Polymers, Laminations & Coatings Conference, September 8-11, 1992, pp. 103-111.
Examiner		Date Considered:
*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

In re Application of Galloway, et al.
"Multilayer Thermoplastic Films and Packages Made Therefrom"
U.S. Patent App. No. 08/899,410
Docket No. 24180-044007



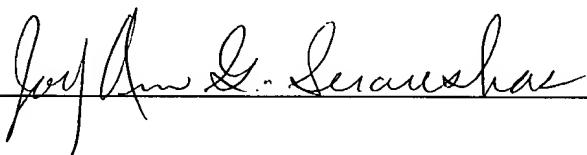
Certificate of Delivery by First Class Mail

I hereby certify that the following documents:

1. Fee Transmittal (1 p. - in dup.);
2. Supplemental Information Disclosure Statement (2 pp.);
3. Form PTO-1449 (2 pp.);
4. Copies of Cited References (AA-AR) and
5. Return Postcard.

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APR 20 2004
GROUP 3600

for the above-identified application are being mailed via first class mail, postage prepaid, to U.S. Patent and Trademark Office 2011 South Clark Place, Customer Window, Mail Stop AF, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202 on April 6, 2004.



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180
Complete if Known

Application Number	08/899,410
Filing Date	July 23, 1997
First Named Inventor	Galloway
Examiner Name	R. Dye
Art Unit	3627
Attorney Docket No.	24180-044007

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

 Deposit Account Number
 Deposit Account Name

13-0206

McDermott, Will & Emery

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00
SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Joy Ann G. Serauskas	Registration No. (Attorney/Agent)	27,952	Telephone	312-372-2000
Signature	<i>Joy Ann G. Serauskas</i>	Date	April 6, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.